IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8005 of 1995

For Approval and Signature:
HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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THAKKAR BHAVISHA KIRITKUMAR - Petitioner(s)
Versus
STATE OF GUJARAT & 3 - Respondent(s)

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Appearance :
MS BELA PRAJAPATI ON BEHALF OF MR BM MANGUKIYA for Petitioner,
MR M R MENGDEY AGP for Respondent(s) : 1,
NONE for Respondent(s) : 2,
RULE SERVED for Respondent(s) : 3,
MR MUKUND M DESAI for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 03/05/2007

ORAL JUDGENT

1. Heard the learned counsel for the respective parties.

2. Short facts necessary for disposal of present writ

application are that the petitioner appeared in the Higher Secondary Examination conducted by the respondent No.2 - Board. The result was declared and in the result, the petitioner was declared pass. The petitioner, thereafter took admission in First Year of B.Com. in Sahjanand College, Ahmedabad. On 4/6-9-1995, the petitioner was informed by the principle of the College that marks had been changed in the subject of “organisation of commerce” and as a result of the said change, the petitioner was declared fail. Being aggrieved by the said change in the result effected in the year 1995, the petitioner has come to this Court.

3. On 18/9/1995, this Court issued notice returnable on 28/9/1995 and directed that status-quo be maintained. The matter was taken up on 28/9/1995, but was adjourned to 29/9/1995. However, interim relief was not extended. The matter was, thereafter, adjourned to other dates and on 18/3/1996 the petition was admitted for hearing.

4. Since after 1996, the petitioner did not show his anxiety for early disposal of the matter. If the petitioner remained failed for a period of 12 years and there was no interim order in his favour, then after a lapse of about 12 years, no relief can be granted to the petitioner. In my opinion, no useful purpose would be served by giving any relief to the petitioner.

5. The petition deserves to and is accordingly dismissed. Rule is discharged. Interim relief, if any, is vacated. No costs.

6. Even after the aforesaid order was dictated, Ms.Bela Prajapati, learned counsel for the petitioner continued to argue the matter saying that page 20 of the writ application be seen.

7. I do not think that the counsel should conduct herself in such a manner.

(R.S. GARG, J.)

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